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*Attorneys for Defendants Juan Carrillo Sotelo
dba Sotelo Air; Sotelo Air, Inc. dba Cool Air Now; and
Juan Carrillo Sotelo, Individually*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRUSTEES OF THE PLUMBERS AND) CASE NO.: 2:13-cv-00657-RFB-NJK
PIPEFITTERS UNION LOCAL 525 HEALTH) Consolidated With:
AND WELFARE TRUST AND PLAN;)
TRUSTEES OF THE PLUMBERS AND) CASE NO.: 2:14-cv-01609-RFB-NJK
PIPEFITTERS UNION LOCAL 525 PENSION)
PLAN; AND THE TRUSTEES OF THE)
PLUMBERS AND PIPEFITTERS LOCAL UNION)
525 APPRENTICE AND JOURNEYMAN)
TRAINING TRUST FOR SOUTHERN NEVADA,))
Plaintiffs,)
vs.)
JUAN CARRILLO SOTELO DBA SOTELO AIR;))
SOTELO AIR, INC., DBA COOL AIR NOW;))
AEGIS SECURITY INSURANCE COMPANY, A;))
PENNSYLVANIA CORPORATION; AMERICAN))
SAFETY CASUALTY INSURANCE COMPANY,))
A GEORGIA CORPORATION,))
Defendants.))

1 TRUSTEES OF THE PLUMBERS AND)
2 PIPEFITTERS NATIONAL PENSION FUND)
3 AND INTERNATIONAL TRAINING FUND,)
4)
5 Plaintiffs,)
6 vs.)
7)
8 JUAN CARRILLO SOTELO DBA SOTELO AIR;)
9 SOTELO AIR, INC. DBA COOL AIR NOW;)
10 JUAN CARRILLO SOTELO, AN INDIVIDUAL;)
11 JOHN DOES I-X AND ROE CORPORATIONS I-)
12 X, INCLUSIVE,)
13)
14 Defendants.)
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**STIPULATION AND ORDER TO STRIKE EXHIBITS CONTAINING
AFFIDAVIT OF TIM NAAS; AND TO WITHDRAW PLAINTIFFS' MOTION TO
STRIKE EXHIBITS CONTAINING AFFIDAVIT OF TIM NAAS (DOC. #169)**

12 Defendants, Juan Carrillo Sotelo dba Sotelo Air; Sotelo Air, Inc. dba Cool Air Now; and
13 Juan Carrillo Sotelo, individually, by and through their counsel, Patricia A. Marr, Esq., of the law
14 firm of Patricia A. Marr, Ltd., and Mark R. Smith, Esq., of the Law Offices of Mark R. Smith,
15 P.C. and Plaintiffs, Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare
16 Trust and Plan; Trustees of the Plumbers and Pipefitters Union Local 525 Pension Plan; and The
17 Trustees of the Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training
18 Trust for Southern Nevada, by and through their counsel, Christopher M. Humes, Esq., of the law
19 firm of Brownstein Hyatt Farber Schreck, LLP, hereby stipulate and agree, as follows:

- 20 1. Exhibits containing and text referencing the Affidavit of Tim Naas shall be
21 stricken from Defendants' Opposition to Plaintiffs' Renewed Motion for
22 Summary Judgment (Doc. #87, filed October 15, 2015 - the "Original
23 Opposition"). *See* Original Opp., at 5:24-26 and Ex. F attached thereto at
24 SoteloAIR000096.
- 25 2. Exhibits containing and citations referencing the Affidavit of Tim Naas shall
26 be stricken from Defendants' Renewed Opposition to Plaintiffs' Renewed
27 Motion for Summary Judgment (Doc. #145, filed October 14, 2016 - the "New
28 Opposition"). *See* New Opp., at 5:13, 7:6 and Ex. E attached thereto.

- 1 3. The Motion to Strike Exhibits Containing the Affidavit of Tim Naas, which
2 was filed by Plaintiffs Trustees of the Plumbers and Pipefitters Union Local
3 525 Health and Welfare Trust and Plan; Trustees of the Plumbers and
4 Pipefitters Union Local 525 Pension Plan; and The Trustees of the Plumbers
5 and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for
6 Southern Nevada (Doc. #169, filed November 10, 2016) is hereby withdrawn.
7 4. Based upon the foregoing stipulation and agreement between the parties,
8 Defendants shall not be required to file a formal response to the
9 aforementioned Motion to Strike Exhibits Containing the Affidavit of Tim
10 Naas.

11 **IT IS SO STIPULATED AND AGREED.**

12 DATED this 6th Day of February, 2017.

13 **LAW OFFICES OF MARK R. SMITH, P.C.**

14 By: /s/ Mark R. Smith
15 Mark R. Smith, Esq.
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22 *Attorneys for Defendants, Juan Carrillo Sotelo, dba Sotelo Air;*
23 *Sotelo Air, Inc. dba Cool Air Now; and Juan Carrillo Sotelo, individually*

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1 DATED this 6th Day of February, 2017.

2 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**

3 By: /s/ Christopher M. Humes

4 Adam P. Segal, Esq.

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14 *Attorneys for Plaintiffs, Trustees of the Plumbers and Pipefitters*

15 *Union Local 525 Health and Welfare Trust and Plan; Trustees of*

16 *the Plumbers and Pipefitters Union Local 525 Pension Plan; and*

17 *The Trustees of the Plumbers and Pipefitters Local Union 525*

18 *Apprentice and Journeyman Training Trust for Southern Nevada*

19 **ORDER**

20 Having reviewed and considered the stipulation of the parties set forth above, and good
21 cause appearing, it is hereby ORDERED that:

- 22 1. Exhibits containing and text referencing the Affidavit of Tim Naas are hereby
23 stricken from Defendants' Opposition to Plaintiffs' Renewed Motion for
24 Summary Judgment (Doc. #87, filed October 15, 2015 - the "Original
Opposition"). *See* Original Opp., at 5:24-26 and Ex. F attached thereto at
25 SoteloAIR000096.
- 26 2. Exhibits containing and citations referencing the Affidavit of Tim Naas are
27 hereby stricken from Defendants' Renewed Opposition to Plaintiffs' Renewed
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Opposition"). *See* New Opp., at 5:13, 7:6 and Ex. E attached thereto.
- 28 3. The Motion to Strike Exhibits Containing the Affidavit of Tim Naas, which
was filed by Plaintiffs Trustees of the Plumbers and Pipefitters Union Local
525 Health and Welfare Trust and Plan; Trustees of the Plumbers and
Pipefitters Union Local 525 Pension Plan; and The Trustees of the Plumbers

1 and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for
2 Southern Nevada (Doc. #169, filed November 10, 2016) is hereby withdrawn.

3 4. Defendants shall not be required to file a formal response to the
4 aforementioned Motion to Strike Exhibits Containing the Affidavit of Tim
5 Naas. (Doc. #169).

6 **IT IS SO ORDERED.**

7 DATED this 13th Day of February, 2017.



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9 HONORABLE RICHARD F. BOULWARE, II
10 UNITED STATES DISTRICT JUDGE
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